



April 10, 2009

ENGROSSED HOUSE BILL No. 1363

DIGEST OF HB 1363 (Updated April 8, 2009 1:26 pm - DI 106)

Citations Affected: IC 33-37.

Synopsis: Waiver of certain court fees and court costs. Provides that if a person brings a civil action or petition for the appointment of a guardian, a clerk of a court shall waive the payment of required fees or other court costs by the person without court approval if: (1) the person is represented by an attorney who is employed by a civil legal aid program or who is serving as a pro bono attorney; and (2) the attorney files a statement with the clerk that seeks relief from paying the required fees or other court costs and is accompanied by an approved affidavit of indigency.

Effective: July 1, 2009.

Van Haaften, Richardson, Porter

(SENATE SPONSORS — STEELE, TAYLOR, LANANE)

January 13, 2009, read first time and referred to Committee on Courts and Criminal Code.
February 5, 2009, reported — Do Pass.
February 9, 2009, read second time, ordered engrossed. Engrossed.
February 12, 2009, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 19, 2009, read first time and referred to Committee on Judiciary.
April 9, 2009, amended, reported favorably — Do Pass.

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EH 1363—LS 6315/DI 69+



April 10, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1363

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-37-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a) Except as**
3 **provided in subsection (b),** a person entitled to bring a civil action or
4 to petition for the appointment of a guardian under IC 29-3-5 may do
5 so without paying the required fees or other court costs if the person
6 files a statement in court, under oath and in writing:
7 (1) declaring that the person is unable to make the payments or to
8 give security for the payments because of the person's indigency;
9 (2) declaring that the person believes that the person is entitled to
10 the redress sought in the action; and
11 (3) setting forth briefly the nature of the action.
12 **(b) If a person brings a civil action or petition for the**
13 **appointment of a guardian under IC 29-3-5, a clerk shall waive the**
14 **payment of required fees or other court costs by the person without**
15 **court approval if:**
16 **(1) the person is represented by an attorney:**
17 **(A) who is employed by Indiana Legal Services or another**

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civil legal aid program; or

(B) who:

(i) is serving as a pro bono attorney; and

(ii) obtained the person as a client through a direct referral from a pro bono district associated with one (1) of the fourteen (14) administrative districts in Indiana established by the Indiana Rules of Court Administrative Rule 3(A); and

(2) the attorney files a statement with the clerk that:

(A) seeks relief from paying the required fees or other court costs;

(B) declares that the person believes that the person is entitled to the redress sought in the action;

(C) sets forth briefly the nature of the action;

(D) is accompanied by an approved affidavit of indigency; and

(E) is signed by the attorney.

(c) This section does not prohibit a court from reviewing and modifying a finding of indigency by the court or a clerk if a person who received relief from the payment of required fees or other court costs ceases to qualify for the relief.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1363, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PIERCE, Chair

Committee Vote: yeas 12, nays 0.

 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "may" and insert "**shall**".

and when so amended that said bill do pass.

(Reference is to HB 1363 as printed February 6, 2009.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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